

Attorney Docket No.: ISPH-0628
Inventors: Baker et al.
Serial No.: 10/067,125
Filing Date: February 4, 2002
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REMARKS

Claims 1-17 are pending in this application. No new matter has been added. Applicants are respectfully requesting reconsideration of the restriction requirement in view of the following remarks.

The claims of the present application have been subjected to a Restriction Requirement under 35 U.S.C. §121 by the Examiner in this case. The Examiner suggests that restriction of the present invention into the following groups is required:

Group I, claims 1-13, drawn to antisense compounds targeted to human tumor necrosis factor receptor-associated factor-2, classified in class 536, subclass 24.5;

Group II, claims 1-13, drawn to antisense compounds targeted to human tumor necrosis factor receptor-associated factor-6, classified in class 536, subclass 24.5; and

Group III, claims 14-17, drawn to methods of inhibiting the expression of human tumor necrosis factor receptor-associated factor, and to methods of treating an animal comprising the use of antisense compounds targeted to human tumor necrosis factor receptor-associated factor, classified in class 514, subclass 44.

The Examiner suggests that the inventions listed as Groups I-III are independent and distinct from each other. The Examiner suggests that inventions I and II are unrelated as they are drawn to the inhibition of transcripts encoding TRAF-2 and TRAF-6, respectively, which are distinct in sequence and function, and thus differ in mode of operation. The Examiner acknowledges that Groups I and II are related to the invention of Group III as product and process of use; however, because the product antisense oligos of groups I and II can be used as probes for

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identifying the presence of specific mRNA transcripts in in situ hybridization assays, they are distinct. Applicants are required to elect one of the Groups to be examined. Applicants respectfully disagree and traverse this restriction requirement.

MPEP §803 is quite clear; for a proper restriction requirement, it must be shown (1) that the inventions are independent or distinct AND (2) that there would be a serious burden on the Examiner if the restriction is not required. MPEP 802.01 defines "distinct" to mean that the "two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made there, etc., but are capable of separate manufacture, use, or sale, as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER."

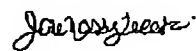
Claims set forth in the instant application relate to antisense compounds which inhibit the expression of TRAFs and methods for using the same. Therefore, a general search of the relevant prior art pertaining to a TRAF antisense compound and would reveal art related to TRAF-2 and TRAF-6 oligos and methods for using the same. Therefore, no additional burden would be incurred by the inclusion of all groups of claims in this application. However, should the Examiner maintain the restriction, Applicants respectfully request reconsideration of the restriction of claims 1-13, and 14-17 into Groups I and III. The Examiner has acknowledged that the inventions of Groups I and III are related as product and process of use. As claim 1 (Group I) will require a search relating to an antisense compound which inhibits the expression of TRAF-2, and claim 14 (Group III) relates to the inhibition of TRAF-2, no additional burden would

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be incurred by the Examiner in searching and examining together in this application the claims of Groups I (claims 1-13) and III (claims 14, 15, and 17). Reconsideration and withdrawal of the restriction requirement is therefore respectfully requested.

However, in an earnest effort to be completely responsive, Applicants hereby elect to prosecute Group I, claims 1-13, drawn to antisense compounds targeted to human tumor necrosis factor receptor-associated factor-2, classified in class 536, subclass 24.5, with traverse.

Respectfully submitted,



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